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PTO/SB/65 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

RECEIVED

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FEB 01 2011

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,167,624

Application Number: 09/433,543

Issue Date: Jan. 2, 2001

Filing Date: Nov. 3, 1999

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

2011 JAN 27 AM 4:22
RECEIPTS ACCOUNTING
DIVISION
USPTO

Also complete the following information, if applicable:

The above-identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

1-20-2011
Date

Signature

Kenneth P. Lanahan

Typed or printed name of person signing Certificate

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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1. SMALL ENTITY

☒ Patentee claims; or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input type="checkbox"/> \$ _____	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 700

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 1240 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1240

Agent #38
gave me these #

5. MANNER OF PAYMENT

- ☒ Enclosed is a check for the sum of \$ 1940.00
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. _____

Paid OK#
2564
1-20-2011

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7. OVERPAYMENT

As to any overpayment made, please

☐ Credit to Deposit Account No. _____

OR

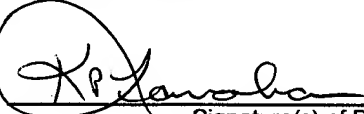
☒ Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)

1-20-2011

Date

Kenneth P. Lanahan

Typed or printed name(s)

Registration Number, if applicable

118-2 Kenneth Drive

Address

618-975-~~227~~ 2733

Telephone Number

Troy, IL 62294

Address

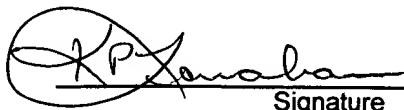
618-975-2733

ENCLOSURES:

- ☒ Maintenance Fee Payment
- ☐ Statement why maintenance fee was not paid timely
- ☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- ☐ Other: _____

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


Signature

1-20-2011

Date

Kenneth P. Lanahan

Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See Attached sheet.

Thank you



(Please attach additional sheets if additional space is needed)

Attachment

RECEIVED

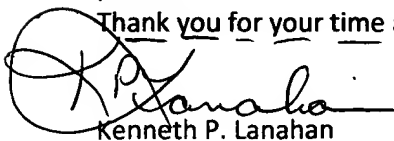
I, Kenneth P. Lanahan, being duly sworn, hereby state the following under penalties of perjury:

FEB 01 2011

OFFICE OF PETITIONS

1. On November 3rd 1999 I, together with Thomas Durham and Steve Forman filed a patent application for a Synthetic Panel and Method.
2. On Jan 2 2001, Patent Number 6,167,624 was issued by the U.S. Patent office.
3. On or around July 2007, the seven and one-half year maintenance fee was due.
4. During the intervening period of time, I suffered a number of problems that have negatively impacted my ability to pay the maintenance fees, summarized as follows:
5. I have a friend that called me after looking up the patent number 1-18-2011 and told me that he had found that the fees where not paid. I do not have a patent attorney at this time. I have had to put all of my efforts toward my wife and I's health. I have had two back operations and my wife has found out she has Cancer and I have been dealing with that whole thing. I am back on my feet again after the Hurricanes in Mississippi and Alabama in which I lived over the past 6 years. I am able to pay the fees of \$1,940.00 dollars right now and I learned that I have to have an attorney hired here after when we get the patents reinstated if you so let that happen. I talked to two different attorneys and they said they would be the assigned agent for me.
6. Bill Fleming quit working for the firm that was getting the notices in Kansas and now works for an Architectual Firm. In and around that same time I had to take work in Biloxi, MS Jan of 2005. No one knew where I had moved. Sence then as of a year ago February 2010 I have moved back to Troy IL where I was born and raised. My attorney here in Troy, IL, James M. Drazen will be happy to take that responsibility on. I will get the form filled out for him to give all of his information to be the assignee.
7. I was working as a Superintendent in Biloxi, MS when Katrina and three other hurricanes hit the gulf coast in 2005 and for three years we went night and day working to get that area put back together. Then I had my second back operation in Oct of 2009. I just got back on my feet in 2010 and then, my wife of 33 years, we find out she has cancer and I have been tied up with all of that till today. We just found out that they think they have gotten it all as of today we went to the doctors. I am truly sorry for all of this and would ask for your forgiveness in accepting my check for the \$ 1,940.00 dollar and reinstating my patent 6,167,624. Please if you could just look at this case of mine as a hard luck case I will make sure it will not happen again. It sure would be an up lift for this to happen in my life right now.
8. The patent attorney that I worked with, John Carpenter retired in 2004.
9. My previous corporate counsel, Bill Fleming, of Barber, Emerson, L.C. in Lawrence, Kansas, was designated to receive notices from the patent office. Mr. Fleming left Barber Emerson in 2007.
10. The failure to pay maintenance fees was unintentional, and I was not aware that the patent office had issued a notice that the patent was lapsed. The first time I was aware of this was on January 20, 2011, when I received a notice from a Friend that the patent was on a list of lapsed patents.

Thank you for your time and understand,


Kenneth P. Lanahan

Further Affiant Sayeth Not